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Application No. 10/816,219

Filed: April 1, 2004

TC Art Unit: 2627

Confirmation No.: 7321

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REMARKS

Claims 1-5 are pending. Claims 1-5 stand rejected under 35 U.S.C. § 102(b). Claim 1 and claims 3-5 have been amended. No new matter has been added.

SECTION 102(b) REJECTIONS

Claims 1-5 again stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 6,275,459 to Obata, et al. ("Obata"). The Applicant respectfully traverses the grounds for rejection in view of the above amendments and for the reasons provided below.

Claim 1 and claims 3-5 have been amended to recite that the disk apparatus includes first and second emergency through holes and, more specifically, that first and second release means manipulate a mechanism for unloading an optical disk, respectively, through the first and the second emergency through holes.

As disclosed in the Specification, the rack main body (34) of the rack gear unit (G2) cannot be manipulated while the loading gear unit (G1) is in a "normal state position" or "manipulation-protected state", which prevents unloading of an optical disk. See, e.g., Specification, page 12, lines 2-9.

According to the invention as claimed and referring to Figs. 10 and 11, loading gear unit (G1) is first accessed through an emergency through hole (3b), which enables the double gears (23, 24, and 25) to rotate freely. See, e.g., Id., page 12, lines 10-21. Once the double gears (23, 24, and 25) are free to rotate,

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the optical disk can be unloaded by externally manipulating the rack gear unit (G2) via another emergency through hole (3c). See, e.g., Id., page 12, lines 25-31. Thus, unloading an optical disk requires two manipulation steps through two external through holes, which prevents erroneous manipulation.

The Obata references disclose an "emergency ejection device" for manually ejecting an optical disk. Referring to Figs. 26-35, Obata discloses sliding an emergency ejection-operating lever (148) to disengage a first clutch gear 138 and a second clutch gear 139, causing the optical disk to disengage from the internal workings of the apparatus. "Resilient forces of the ejecting spring 60 of the shutter actuating lever 57 and the ejecting spring 80 of the cartridge retraction device 65" then automatically eject the disk cartridge 1. See, e.g., Obata, col. 16, lines 21-25. There is no external manipulation of a second release means. Moreover, there is only a single emergency through hole (15). Thus, Obata has no concern with the problem of added security from a two-step release process.

Accordingly, the Applicant respectfully maintains that the claims satisfy all of the requirements of 35 U.S.C. § 101, et seq., especially § 102(b), and are in condition for allowance. Withdrawal of the rejections are respectfully requested.

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The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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